

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JENNIFER VANDERSTOK, *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, in his official capacity as Attorney General of the United States; *et al.*,

Defendants.

Civil Action No. 4:22-cv-00691-O

DECLARATION OF NICHOLAS CHERRY

I, Nicholas Cherry, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct to the best of my knowledge:

1. I am over 18 years of age and am competent to testify to the matters contained herein.

2. I am an employee of Tactical Machining, LLC (“Tactical Machining”) and have been since January 31, 2012. In that capacity I am familiar with Tactical Machining’s sales and operations.

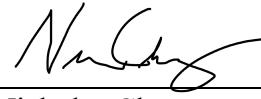
3. Since the implementation of the Final Rule in August of 2022, Tactical Machining has been monitoring and collecting communications from its potential customers related to their concerns about the impact of the Final Rule. Customers have continued to express concern that the Final Rule does not permit them to purchase Tactical Machining’s products colloquially marketed as “80% Lowers”, similar to the communications submitted with my Declaration on September 8, 2022. Customers have also expressed fears that the ATF will seize Tactical Machining’s records to enforce the Final Rule against Tactical Machining’s customers.

4. After the Preliminary Injunction entered in this case on September 2, 2022, and since my Declaration on September 8, 2022, sale of Tactical Machining products remains critically below levels that were common before the implementation of the Final Rule.

5. Prior to the implementation of the Final Rule, Tactical Machining had not had a month where we operated at a loss for several years. So far for the month of September 2022, however, our accountant has determined that Tactical Machining is operating a loss of over \$36,000 for the month.

6. If the sale of Tactical Machining products remains at this depressed level for the next few months, Tactical Machining would likely be forced out of business by the end of the year.

DATED this 21st day of September, 2022.



Nicholas Cherry